

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Greg Finch	Team: Squad #14	CCRB Case #: 201608631	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 10/05/2016 9:36 AM	Location of Incident: [REDACTED]	Precinct: 30	18 Mo. SOL 4/5/2018	EO SOL 4/5/2018	
Date/Time CV Reported Wed, 10/05/2016 12:04 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 10/13/2016 1:06 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT Miguele Amoresano	00076	924884	030 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Christine Winter	16237	953573	030 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Miguele Amoresano	Force: At Broadway and West 138th Street in Manhattan, Sergeant Miguele Amoresano used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.SGT Miguele Amoresano	Discourtesy: At Broadway and West 138th Street in Manhattan, Sergeant Miguele Amoresano spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
C.SGT Miguele Amoresano	Abuse: At Broadway and West 138th Street in Manhattan, Sergeant Miguele Amoresano threatened § 87(2)(b) [REDACTED] with the use of force.	[REDACTED]
D.SGT Miguele Amoresano	Discourtesy: At the 30th Precinct stationhouse, Sergeant Miguele Amoresano spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]

### Case Summary

On October 5, 2016, Sergeant Miguele Amorensano filed the following complaint with IAB via telephone on behalf of § 87(2)(b) generating log #2016-36091. On October 13, 2016, the CCRB received the case.

On October 5, 2016, at approximately 9:36 a.m. § 87(2)(b) was on-shift as a cab driver when he engaged in a verbal altercation with § 87(2)(b) another cab driver, on the § 87(2)(b) in Manhattan. § 87(2)(b) exited his cab and approached § 87(2)(b)'s driver side door. § 87(2)(b) punched the rear passenger door of § 87(2)(b)'s cab and swung into § 87(2)(b)'s open driver window. Sgt. Miguele Amorensano of the 30<sup>th</sup> Precinct tackled § 87(2)(b) and allegedly punched § 87(2)(b) in the mouth, chipping a tooth (**Allegation A**). Sgt. Amorensano allegedly told § 87(2)(b) "Shut the fuck up, or I'ma fuck you up" multiple times (**Allegations B and C**). Sgt. Amorensano took § 87(2)(b) to the ground, handcuffed him and placed him in a police vehicle to be transported to the 30th Precinct stationhouse for arrest processing. At the 30<sup>th</sup> Precinct stationhouse, Sgt. Amorensano allegedly said to § 87(2)(b) "Shut the fuck up because you have the right to remain silent" (**Allegation D**).

No video footage was available for this incident.

The case exceeded the 90-day benchmark because the case was sent to the mediation unit on November 8, 2016, and was returned to the investigative division more than two months later because § 87(2)(b) requested the case be returned to investigation.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) accepted mediation on October 25, 2016. However, § 87(2)(b) later requested that the case be returned to investigation. On January 12, 2017, the case was returned to investigation.
- As of January 20, 2017, there has been no Notice of Claim filed with the NYC Comptroller's office regarding this incident (BR 01).
- According to Office of Court Administration records, § 87(2)(b) pled guilty on November 22, 2016, to disorderly conduct for this incident, and was sentenced to one day of community service (BR 02).
- There is no record of any prior criminal convictions for § 87(2)(b) in the Office of Court Administration records (BR 02).

### Civilian and Officer CCRB Histories

- § 87(2)(b) does not have any prior CCRB complaints (BR 03).
- Sgt. Amorensano has been a member of the NYPD for 17 years and has 3 prior CCRB complaints with 6 allegations (see officer history). § 87(2)(g)  
○ In case #200511864, the Board substantiated frisk and search allegations and recommended charges. The NYPD Disposition was "No Disciplinary Action."

### Findings and Recommendations

#### Allegation A - Force: At Broadway and West 138th Street in Manhattan, Sergeant Miguele Amorensano used physical force against § 87(2)(b)

It is undisputed that § 87(2)(b) swung his arm into § 87(2)(b)'s open driver side window, and that Sgt. Amorensano tackled § 87(2)(b).

According to § 87(2)(b) he punched the glass of the rear left passenger window of the § 87(2)(b)'s cab with the closed fist of his right hand (BR 04). § 87(2)(b) swung into the air with his right arm through the open driver side window into the cab driver's vehicle, but did not strike or make contact with the driver. § 87(2)(b) fully retracted his arm and was outside of the vehicle before he was tackled from behind by Sgt. Amorensano. Sgt. Amorensano used his chest and right hand to push § 87(2)(b)'s waist while simultaneously punching him on the left side of his mouth with his left arm. Sgt. Amorensano's tackle pushed § 87(2)(b) into the cab driver's vehicle hood. § 87(2)(b) tensed up, turned around and saw that it was a police officer who tackled him. Sgt. Amorensano said, "Stop resisting." § 87(2)(b) said, "Officer, I did not hit him, I just swung into the car." Sgt. Amorensano brought § 87(2)(b) to the ground and handcuffed § 87(2)(b) while having a knee on the ground and a knee on § 87(2)(b)'s lower back. Sgt. Amorensano lifted § 87(2)(b) from the ground. § 87(2)(b) felt pieces of enamel on his lip and said, "Aw you hurt my tooth." § 87(2)(b) spit out pieces of his tooth onto the ground. § 87(2)(b) did not sustain any injury in this incident beyond his chipped tooth. § 87(2)(b) did not seek or receive medical attention for his tooth. At no point did § 87(2)(b) attempt to physically stop or resist Sgt. Amorensano from arresting him. At the time of his CCRB appointment, a chip was visible in one of § 87(2)(b)'s teeth (BR 05).

According to § 87(2)(b) § 87(2)(b) attempted to punch § 87(2)(b) once but § 87(2)(b) leaned away and dodged the punch (BR 06). § 87(2)(b) then successfully struck § 87(2)(b) on his second attempt on the left side of his jaw with a closed fist. Sgt. Amorensano approached § 87(2)(b) grabbed § 87(2)(b) from behind with both arms in a bear hug, pulled him off of § 87(2)(b)'s car and took § 87(2)(b) to the ground. Sgt. Amorensano said to § 87(2)(b) "You're under arrest." § 87(2)(b) did not see Sgt. Amorensano punch § 87(2)(b) in the head or elsewhere on § 87(2)(b)'s body. § 87(2)(b) was unable to see Sgt. Amorensano and § 87(2)(b) fall to the ground or on the ground as it was below his view. § 87(2)(b) did not see § 87(2)(b) resisting Sgt. Amorensano's actions. § 87(2)(b) did not hear § 87(2)(b) complain of any injuries or Sgt. Amorensano discuss any injuries on § 87(2)(b).

According to Sgt. Amorensano, he was operating a marked RMP with PO Winter in the passenger seat, and was waiting at a red light on the northbound side of Broadway at 138th Street in Manhattan when he saw § 87(2)(b) in the street on southbound Broadway and 138th Street punching § 87(2)(b) through the driver side window of § 87(2)(b)'s cab (BR 07). Sgt. Amorensano and PO Winter approached § 87(2)(b) and said, "Police, don't move, get your hands off of him." § 87(2)(b) punched § 87(2)(b) again, and did not respond to officers' commands. Sgt. Amorensano observed § 87(2)(b) strike § 87(2)(b) a minimum of four times during this incident before officers intervened. Sgt. Amorensano grabbed § 87(2)(b)'s upper torso from behind to separate him from § 87(2)(b). § 87(2)(b) resisted Sgt. Amorensano by flailing his arms. Sgt. Amorensano pulled § 87(2)(b) out of the cab and threw § 87(2)(b) to the ground, with § 87(2)(b) landing on his stomach. Sgt. Amorensano did not strike § 87(2)(b) in the mouth, and § 87(2)(b) did not make contact with the outside of § 87(2)(b)'s vehicle as Sgt. Amorensano brought him to the ground. PO Winter assisted Sgt. Amorensano's attempts to handcuff § 87(2)(b) on the ground, and the officers were able to successfully handcuff § 87(2)(b) by each forcing his arms behind him. § 87(2)(b)'s head did not strike the ground and he did not complain of any physical injuries to Sgt. Amorensano, nor did Sgt. Amorensano observe any physical injuries to § 87(2)(b). § 87(2)(b) was escorted to the stationhouse, and later at the stationhouse Sgt. Amorensano learned from PO Escobar that § 87(2)(b) complained of a chipped tooth. EMS was



officer who tackled him. Sgt. Amorensano brought § 87(2)(b) to the ground and said, “If you don’t shut the fuck up, I’m a fuck you up.” Sgt. Amorensano handcuffed § 87(2)(b) and escorted him into an SUV police car before interviewing the § 87(2)(b). Later, Sgt. Amorensano returned to the police car, opened the door and said, “If you don’t shut the fuck up, I’m a fuck you up.” § 87(2)(b) was transported to and processed at the 30th Precinct. In the holding cells, Sgt. Amorensano walked by § 87(2)(b) and said, “Shut the fuck up cause you have the right to remain silent. Do you understand?”

According to § 87(2)(b) Sgt. Amorensano did not use profanity with § 87(2)(b) during this incident, including “shut the fuck up,” or “fuck” (BR 06). Sgt. Amorensano did not interact with § 87(2)(b) in the stationhouse when § 87(2)(b) was in the holding cells, and did not say to § 87(2)(b) “Shut the fuck up because you have the right to remain silent.”

According to Sgt. Amorensano, he did not tell § 87(2)(b) “Shut the fuck up or I’m a fuck you up,” or use any profanity during this incident (BR 07). Sgt. Amorensano did not interact with § 87(2)(b) at the stationhouse. PO Winter’s account largely corroborates that of Sgt. Amorensano’s. According to PO Winter, Sgt. Amorensano did not command § 87(2)(b) to be quiet, say “shut the fuck up or I’m a fuck you up” or use any profanity to § 87(2)(b) (BR 08). At the stationhouse, neither Sgt. Amorensano nor any other officer told § 87(2)(b) “Shut the fuck up because you’ve got the right to remain silent.”

§ 87(2)(g)

Squad:

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date